

United States District Court

FILED  
SEP 17 2007

NORTHERN  
UNITED STATES OF AMERICA

DISTRICT OF CALIFORNIA

V.  
CHAVEZ-LOPEZ, SERGIO  
AKA: CHAVEZ, SERGIO LOPEZ

CRIMINAL COMPLAINT

CASE NUMBER:

07 70544

PVT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than July 10, 2007 in Monterey County in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

Unlawfully re-enter the United States after arrest and deportation, without the permission of the Attorney General or the Secretary of Homeland Security.

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

9/17, 2007  
Date

at San Jose, California  
City and State

Patricia V. Trumbull  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT OF SPECIAL AGENT PERCY ORUM**

I am a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), formerly known as the United States Immigration and Naturalization Service ("INS"). The departmental change from INS to ICE became effective on March 01, 2003, pursuant to Executive Orders of the Homeland Security Act. I have been employed with INS/ICE since March 05, 1980. I am currently assigned to the Alien Criminal Apprehension Program ("ACAP") Unit of the San Jose Sub-office. In such capacity, I have reviewed the official file relating to the below named individual, which attests to the following:

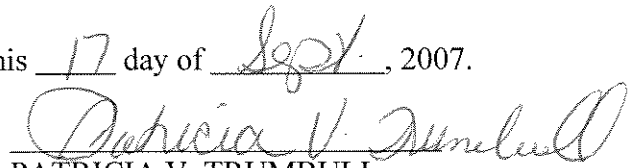
- (1) CHAVEZ-LOPEZ, SERGIO ("CHAVEZ-LOPEZ") a/k/a ("CHAVEZ, SERGIO LOPEZ") is a 35-year-old male native and citizen of Mexico, who has used two (02) aliases and one (01) date of birth in the past.
- (2) CHAVEZ-LOPEZ, has been assigned one (1) Alien Registration Number of A043 900 221, FBI Number of: 116878EB7, Santa Clara County Personal File Number of: DMJ233, and a California Criminal Information Index Number of: A11618641.
- (3) On November 17, 2005, CHAVEZ-LOPEZ was convicted in the Superior Court of the State of California, in and for the County of Monterey, for the offense of UNLAWFUL SEXUAL INTERCOURSE/ADULT OVER 21 YEARS), a Felony, in violation of Section 261.5(d) of the California Penal Code. This is defined as an aggravated felony under Title 8, United States Code, Section 1101(a) (43) (A).
- (4) On May 10, 2004, CHAVEZ-LOPEZ was convicted in the United States District Court, Eastern District of the State of California, for the offense of DEPORTED ALIEN FOUND IN THE UNITED STATES, a felony, in violation of Title 8, United States Code, Section 1326
- (5) A check through ICE's records shows that CHAVEZ-LOPEZ was arrested and deported on two (02) occasions from the United States: on August 10, 2004 and April 05, 2006 at Nogales, Arizona.
- (6) CHAVEZ-LOPEZ last entered the United States at or near an unknown place and date after April 05, 2006, by crossing the international border without inspection subsequent to deportation.
- (7) CHAVEZ-LOPEZ, on a date unknown but no later than July 10, 2007, at the Monterey County Jail, Salinas, California, was found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General or the Secretary of the Homeland Security, in violation of Title 8, United States Code, Section 1326.

- (8) On July 10, 2007, CHAVEZ-LOPEZ was arrested by Officers of the Salinas Police Department for violation of California Vehicle Code Section (14601 Driving without a License) and released prior to Immigration and Customs being notified. CHAVEZ-LOPEZ gave a place of residence as 33 Miller Avenue, Watsonville, California. Information concerning alienage, prior deportations, and his failure to obtain permission from the Attorney General or the Secretary of the Homeland Security to return to the United States after being deported was obtained from CHAVEZ-LOPEZ's alien file, ICE, state, FBI, and local indices checks.
- (9) On September 07, 2007, CHAVEZ-LOPEZ's executed warrants of deportation fingerprints were compared with his July 10, 2007 Monterey County Booking fingerprints, and his June 25, 1996 Santa Clara County Booking fingerprints for Attempted Robbery. A latent print examiner at the Santa Clara County Sheriff's Department compared the aforementioned fingerprints and determined that the fingerprints were identical and related to CHAVEZ-LOPEZ.
- (10) There is no record in the official file of the United States Department of Homeland Security, Immigration and Customs Enforcement that CHAVEZ-LOPEZ ever applied to the Attorney General or the Secretary of the Homeland Security to reenter the United States after deportation.
- (11) On the basis of the above-described information, there is probable cause to believe that CHAVEZ-LOPEZ illegally entered the United States, in violation of Title 8, United States Code, Section 1326. CHAVEZ-LOPEZ was found in the United States after having been deported, and he had not sought permission from the United States Attorney General or the Secretary of the Homeland Security to re-enter the United States.



Percy Orum  
Special Agent  
U.S. Immigration and Customs  
Enforcement

Subscribed and sworn to before me this 17 day of Sept., 2007.



PATRICIA V. TRUMBULL  
UNITED STATES MAGISTRATE  
JUDGE